



# SUMMARY

OF THE REPORT OF THE STATE COMMISSION FOR THE  
PREVENTION OF SEXUAL EXPLOITATION OF MINORS  
UNDER THE AGE OF 15

**WHAT IS THE COST OF  
SUFFERING FOR A SEXUALLY  
ABUSED CHILD?**

# Members of the State Commission

for the prevention of sexual exploitation of minors  
under the age of 15

Karolina Maria Bućko – Chairwoman of the State Commission

Justyna Kotowska – Deputy Chairwoman of the State Commission

Barbara Chrobak – Member of the State Commission

Hanna Elżanowska, PhD – Member of the State Commission

Professor Błażej Kmiecik, PhD – Member of the State Commission

Agnieszka Rękas – Member of the State Commission

---

REVIEWER: Professor **Magdalena Budyn-Kulik**, PhD, Department of Criminal Law and  
Criminology, Maria Curie-Skłodowska University in Lublin

CONTENT EDITING: **Justyna Kotowska**, **Hanna Elżanowska**, PhD

EDITORIAL CORRECTION: **Magdalena Bogdańska-Maciak**

GRAPHIC DESIGN: **Karol Polus**

TYPESETTING: **Krystyna Oborska-Masłowska**

SCIENTIFIC COOPERATION:

**Izabela Grabowska**, PhD – Department of Demography, Warsaw School of Economics

Professor **Tomasz Hanć**, PhD UAM – Institute of Human Biology and Evolution, Adam  
Mickiewicz University in Poznań

Professor **Paweł Kubicki**, PhD Department of Social Policy, Warsaw School of Economics

**Dagmara Mętel**, MD, PhD – Faculty of Psychology, Pedagogy and Humanities, Andrzej  
Frycz Modrzewski Krakow Academy

**Janusz Roszkiewicz**, PhD – Department of Human Rights, Faculty of Law and  
Administration, University of Warsaw

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under the Age of 15

A list of source materials on which the Summary is based can be found in the Report of the  
State Commission for the Prevention of Sexual Exploitation of Minors under the Age of 15  
How *What is the Cost of Suffering for a Sexually Abused Child?*

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*Imagine a childhood disease that affects one in five girls and one in seven boys before they reach 18 years of age; a disease that can causes dramatic mood swings, erratic behaviour, and even severe conduct disorders among those exposed; a disease that breeds distrust of adults and undermines the possibility of experiencing normal sexual relationships; a disease that can have profound implications for an individual's future health by increasing the risk of problems such as substance abuse, sexually transmitted diseases, and suicidal behaviour; a disease that replicates itself by causing some of its victims to expose future generations to its debilitating effects. Imagine what we, as a society, would do if such a disease existed. We would spare no expense. We would invest heavily in basic and applied research. We would devise systems to identify those affected and provide services to treat them. We would develop and broadly implement prevention campaigns to protect our children. Wouldn't we? Such a disease does exist – it's called child sexual abuse.*

J.A. Mercy\*, 1999

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\*Mercy, J. A.(1999), *Having new eyes: Viewing child sexual abuse as a public health problem*, "Sexual Abuse" 11(4), 317-321.

# INTRODUCTION

What is the cost of suffering for a sexually abused child? What is the cost of the child's pain and loneliness lived in silence? Is there an objective measure of human suffering? Can we even put a price on the harm done to a child and the extent of the harm faced by adults who have experienced sexual abuse in childhood? Although there is no single good answer to similar questions, the State Commission is aware that they need to be asked. After all, this is the only way in which we have an – imperfect – opportunity to get closer to the reality faced by people who have experienced sexual violence in childhood.

Sexual violence, even when it occurs without contact, does not go unnoticed. It often wreaks havoc in the victim's life and can irrevocably change its course. No amount of money can compensate for a "broken lifeline" or lead to the erasure of memories, which often return many years later, causing severe pain. In spite of this, it is money that is needed to assist children and their families in reducing the damage associated with sexual violence. Obtaining financial compensation is, moreover, a very important part of the final determination of the responsibility to be borne by the perpetrator of sexual abuse. It is also an important moment of restoration of justice.

For the first time in Poland:

- the State Commission has brought together information on assisting child victims of the crime of sexual abuse in one place,
- the State Commission has attempted to discern how much funding is actually going to sexually abused children,
- we have made a preliminary estimate of the cost incurred by the family in redressing the effects of the violence experienced.

In order to be able to discern the real situation of sexually abused children, the State Commission attempted to find out how much help goes to the victims and what short- and long-term costs are borne by the child and his or her family. This made it possible to identify systemic gaps and determine the needs of a family affected by the crime of sexual abuse. The lack of precise data and the lack of reliable statistics kept by the relevant services and institutions involved in supporting and assisting the abused are just some of the barriers that the State Commission encountered on the way to showing the real situation of a child harmed by a sexual act. In the Report *What is the cost of suffering for a sexually abused child?* you will find the result of the analyses that the State

Commission undertook with a team of experts, analyses of the costs of sexual abuse in childhood occurring not only shortly after the incident, but also in the victim's adult life. The focus of our analyses is placed not only on the child but also on the whole family. After all, the sexual abuse of a child is an event that traumatises the whole community, especially the one closest to the child victim.

The report is dedicated to families who have struggled to pursue a dignified life for their children, applying to the courts for money to bring at least a small measure of justice to their children. The material is structured in six parts divided into complementary chapters that focus on the legal possibilities of obtaining compensation as a consequence of the sexual trauma suffered in childhood.

**Part One** is devoted to the individual effects of experienced sexual violence, revealed in childhood and adulthood in different areas of a person's life. Child sexual abuse (CSA) is not just an individual experience, it is a problem associated with the enormous expense to society as a whole. The State Commission has made an initial estimate of the costs that a family may incur as a result of sexual abuse suffered by a child. These include the costs associated with psychological treatment, psychiatric treatment, health care costs that are necessary to deal with the consequences of the trauma.

**In the second part**, the State Commission presented basic information on the compensation measures provided for in Polish law, which may be applied for by victims of a criminal act, including against sexual freedom and decency, committed to the detriment of a minor. The State Commission has also indicated how these claims can be pursued through court proceedings. This may be helpful in particular for victims and their legal representatives who do not have sufficient knowledge in this area.

**The third part** contains information on the Justice Fund and the assistance it provides to victims of sexual abuse.

**In the fourth part**, the characteristics of the perpetrator and of the victim are described on the basis of an analysis of cases from the civil divisions in which compensation for the harm suffered was sought. It also describes the nature of the act and the consequences of sexual abuse for the victims and their relatives. Finally, the State Commission identified the barriers faced by the victim before and during the civil proceedings. This is valuable information from the perspective of showing what the process of obtaining compensation for the harm suffered as a result of childhood abuse actually looks like.

**The fifth and sixth parts of the Report** are based on the conclusions of the research, the analyses carried out, the opinions of experts, but above all the interviews conducted with victims coming to the State Commission.

These parts contain guidance and recommendations. The guidance was addressed to the victims and their carers, while the recommendations were addressed to those who have professional contact with children and those who can improve their situation.

In the summary of the latest Report of the State Commission for the Prevention of Sexual Exploitation of Minors under the Age of 15 – as in previous years – the State Commission wishes to highlight the most important theoretical elements of the material presented.

The State Commission also wishes to draw attention to the most important conclusions of the research it has undertaken, which – carried out in this form for the first time in Poland – point to the key importance of compensation as not only an element of financial support, but also a factor restoring a sense of justice for the abused person and their relatives.

Content editors:



Hanna Elżanowska, PhD  
Member of the State Commission



Justyna Kotowska  
Deputy Chairwoman of the State Commission

# PART I

## CONSEQUENCES OF SEXUAL ABUSE IN CHILDHOOD

Sexual abuse destroys psychological balance and creates fertile ground for the development of many psychological disorders, as it is an objective trauma. Current psychological knowledge clearly indicates that a child's experience of any form of sexual abuse has a devastating effect on his or her psyche and requires prompt, specialised help to avoid serious and irreversible damage that could translate into abnormalities in later psychosocial, school and occupational functioning. Sexual abuse in childhood leads to one of the most serious traumas.

# 1



### Psychosocial consequences of CSA

We often think of emotions as short-term reactions to an event, but in the case of sexual abuse, feelings can persist for months or even years, creating patterns of behavioural responses that can shape choices made for a lifetime. The depth and severity of the emotional problems created as a result of childhood sexual abuse is determined by a number of factors and occurs through maladaptive psychological mechanisms. The experience of sexual abuse evokes a range of negative feelings so intense that it is extremely difficult for the child to cope with them. Feelings such as overwhelming fear, horror, helplessness, shame or guilt are usually experienced by the child alone, which puts his or her still immature psychological defence system to an enormous test. It should be recalled that being sexually abused doubles

the risk of depression and anxiety disorders, which are among the most common mental disorders due to their varied course and broad clinical picture. According to some researchers, chronic depression is the most common consequence of sexual abuse, as it occurs in up to 94.1% of victims – both adults and children. This means that people who have experienced CSA may feel fear and sadness in greater intensity. These emotions, more frequently than the situation warrants, turn into psychological dysfunction. Another extremely important negative effect of sexual abuse in childhood from a psychological point of view is the disturbed way in which the victim functions in interpersonal relationships.



Sexual trauma does not only have a negative impact on the emotional sphere, but also on the closely related thought processes. This term includes distortions of perception of reality and thinking, such as internalisation of the perpetrator's voice or difficulty in making sense of one's experiences, as well as a significant deterioration of cognitive abilities in terms of learning (memory) and attentional functioning. The negative change in thinking is often due to the perpetrator's use of manipulation, which leads the children to have a deformed image of the world, of themselves and of their own role in the experience of sexual abuse. It is not uncommon for perpetrators of sexual violence to blame the abused children for their act. Another negative effect of trauma affecting the cognitive sphere is the development of an irrationally threatening image of the world and the associated extreme distrust, suspicion and even outright hostility towards others. Trauma, by taking away a sense of basic security, alters the perception of reality and the internal belief system about oneself, the world and other people. The view of reality made by sexually abused children is distorted, making it difficult for them to adapt positively and take up their school responsibilities and, in adulthood, their roles as employees, spouses, parents or citizens.

In the US DSM-5 classification of mental disorders, the experience of sexual violence not only in childhood, but across the lifespan, is considered an **objective trauma**. This means that simply being exposed to the threat of sexual violence (e.g. being a witness to such violence) qualifies as a traumatic experience, regardless of the subjective emotional response of the victim and the ability to cope with the resulting stress. This conclusion

is supported by the clinical practice of many professionals, who indicate that contact of a sexual nature between a child and an adult or adolescent who knowingly and intentionally violates the child's intimacy is almost always a traumatic event for the child. **Unfortunately, it happens all too often that a child's harm goes unrecognised for a long time. This is partly due to the fact that the symptoms presented by abused children are non-specific**, i.e. symptoms whose occurrence may be due to a number of different factors (e.g. headaches, stomach aches, withdrawal, shutting down). Adults explain the child's condition by his/her personality ("he/she is like that") or by problems of a temporary nature ("he/she will get over it one day"). Adequate recognition of the problem is not easy, because the seduced and manipulated child does not always reveal the fact of the abuse. Sometimes, a change in his/her behaviour may not be noticeable at all to those around him/her, as visible symptoms may appear in the future and not immediately after the abuse.

Childhood sexual abuse must be considered as one of the adverse childhood experiences with a highly traumatising potential, significantly affecting psychological (emotional, cognitive, social, sexual) and biological development. Adverse functional changes are observed at the level of the nervous, endocrine, immune, digestive, reproductive, circulatory, respiratory and musculoskeletal systems. Trauma accelerates the body's ageing and contributes to premature death.

**Table 1** summarises the most common examples of the negative consequences of trauma in adulthood in people who experienced sexual abuse in childhood.



**Table 1.** Most common examples of negative consequences of trauma in adulthood

Area of development	Long-term consequences
Emotional	<ul style="list-style-type: none"> <li>• PTSD (post-traumatic stress disorder)</li> <li>• anxiety disorders</li> <li>• depression</li> <li>• aggression and disruptive behaviour</li> <li>• self-harming behaviour (self-harm, suicide attempts)</li> <li>• self-esteem disorders (feelings of isolation and alienation, lowered self-esteem)</li> <li>• self-disorders</li> <li>• dissociative disorders and psychoses</li> <li>• affective flashbacks</li> </ul>
Cognitive	<ul style="list-style-type: none"> <li>• memory disorders</li> <li>• attention deficit disorder</li> <li>• distorted perception of reality</li> <li>• distorted thinking about one's role in the sexual abuse and the role of the perpetrator (false beliefs)</li> <li>• change of internal belief system about the world and people to threatening and irrational ones</li> </ul>
Sexual	<ul style="list-style-type: none"> <li>• development of inappropriate attitudes towards one's own sexuality</li> <li>• problematic sexual behaviour (exposing oneself, vulgar and erotically saturated vocabulary, provocative clothing, gestures, poses)</li> <li>• premature sexual initiation, teenage pregnancies</li> <li>• sexual dysfunctions (e.g. sexual desire disorders, sexual frigidity, lack of satisfaction, impotence, delayed or absent ejaculation, dyspareunia, i.e. pain during sexual intercourse, lack of orgasm)</li> <li>• sexual phobias</li> <li>• low self-esteem as a sexual partner</li> <li>• prostitution</li> <li>• various forms of sexual deviancy</li> <li>• gender identity disorders</li> </ul>
Social	<ul style="list-style-type: none"> <li>• development of an insecure attachment style that disturbs the way one functions in interpersonal relationships</li> <li>• addictions</li> <li>• hostility towards others, lack of trust, social phobia</li> <li>• criminal behaviour</li> <li>• conflicts with parents</li> <li>• early marriage</li> <li>• conflicts or fears towards partners</li> <li>• difficulties bringing up their own children</li> <li>• difficulties keeping a stable job</li> </ul>

Area of development	Long-term consequences
Biological	<ul style="list-style-type: none"> <li>• changes in the central nervous system</li> <li>• immune system disorders</li> <li>• increased risk of neurodevelopmental disorders</li> <li>• changes in the digestive system (e.g. increased risk of irritable bowel syndrome)</li> <li>• increased risk of physical and mental illnesses (through alterations in gene expression)</li> <li>• accelerated biological ageing (premature death)</li> <li>• endocrine system disorders</li> <li>• sleep disorders</li> <li>• musculoskeletal disorders (including headaches, back pain, joint pain, chest pain, shallow breathing, irregular heartbeat, ischaemic heart disease, persistent muscle tension)</li> <li>• increased risk of cardiovascular disease, diabetes, obesity, asthma, arthritis, cancer</li> <li>• gynaecological symptoms (e.g. menstrual disorders, chronic pelvic pain)</li> <li>• psychosomatic illnesses</li> <li>• somatic flashbacks</li> </ul>

The consequences of sexual abuse can be considered in terms of individual costs. However, when analysing this phenomenon, it is impossible to ignore the sociological

(socio-economic) aspect, i.e. the social costs of child abuse.



## Social/economic costs

The costs of CSA are integral to compensation measures. So far, their nature has been linked to the description of individual consequences. The State Commission in the course of its work noted that CSA is also a social phenomenon, so the costs should also be described in socio-economic terms. The following data show what consequences society may suffer if CSA is present. Child sexual abuse has direct or indirect fiscal implications in the form of expenditures on health, social services and programmes, police, courts, education, employment, the social security system or changes in tax revenue. From an individual's perspective, we are talking about costs of lost opportunities related, for example, to

poorer health, education or careers, but also social relationships, etc.

The costs of sexual abuse are measured in the literature from a social perspective and include various categories. They can be divided into those borne by the victim, i.e. the costs of primary victimisation (becoming a victim of the offence) and secondary victimisation (related, for example, to the trauma caused by the trial), and those borne by the perpetrator of the violence.

Significant costs are generated by the increased risk of physical and psychological problems. These problems include: self-harming behaviour, post-traumatic stress, depression, increased risk of psychiatric hospitalisation, eating disorders, addictions (substance abuse problems), risky sexual behaviour leading to increased susceptibility to STDs and HIV/AIDS, suicide attempts – but are not limited to these behaviours. In addition, people, having experienced sexual abuse, are at risk of lower level of education and lower labour market participation, difficulties functioning in the workplace, prostitution, criminal activity, homelessness, susceptibility to revictimisation (increased risk of exploitation, sexual assault, rape) and greater propensity to become a perpetrator of child abuse/child sexual exploitation.

The State Commission has made, together with a team of experts, a preliminary analysis of the costs that may be borne by the victim of sexual abuse and his/her family (estimation of the social costs of childhood sexual abuse from the perspective of the Polish reality). The analysis of the data is based on the assumption that the more incidental and non-contact exploitation, the relatively lower the costs, and the highest costs relate to multiple sexual assaults with physical contact. It should also be emphasised that the available data do not allow to determine the probabilities of multiple events and thus to estimate the exact individual costs.

Three trajectories, or differing life courses of people experiencing childhood sexual abuse, were adopted for the analyses.

**The first trajectory** refers to those experiencing the least effects of childhood sexual abuse, which tended to be incidental.

**The second trajectory** describes those experiencing more severe effects of sexual abuse than the first group. This group includes people who did not receive adequate support after disclosing the sexual abuse they suffered, causing their problems to escalate.

**The third trajectory** refers to individuals with the most traumatic experiences of sexual abuse, having problems functioning in society and limiting their activities in

different spheres of life. These individuals did not receive support even after disclosing their experience of sexual abuse, and their problems, which were related to the sexual trauma experienced, contributed to further traumatic experiences\*.

The costs within the three trajectories represent an approximation of the variation in possible scenarios of cost options over the life course of those experiencing childhood sexual abuse, depending on the severity of the problems. They do not, however, constitute a representation of the costs incurred in relation to a particular case or the costs actually incurred by a particular household. In the case of psychological services, many people struggle with their problems because they cannot afford adequate support, so the costs given are more a valuation of potential therapy. A general summary of the above socioeconomic analyses is presented below. A detailed description of the cost estimation procedure for each trajectory can be found in the full version of the latest State Commission Report.

For **the first trajectory**, characterised by the lowest cost intensity, the annual cost is **PLN 68,527. It is incurred over a period of 2 years, which amounts to PLN 137,054.** As a reminder, we are talking about cases that are usually not reported and are of an incidental nature with no contact.

For **the second trajectory**, with an average cost intensity, on an annual basis these costs are: **PLN 68,527 over 2 years and PLN 9,177.50 per year** in adulthood – incurred over 40 years (with varying intensity). In a simplified way, we can speak of PLN 137,054 of direct costs (2 years) and PLN 367,100 (40 years) of costs in adulthood, or a total of **PLN 504,154.** We are still talking here about many cases that have never been reported, but may be recurrent and there may be sexual physical contact.

For **the third trajectory**, there is a high cost intensity in adulthood. **The annual cost is PLN 68,527 over 2 years and PLN 18,355 per year** in adulthood – incurred over 40 years (with varying intensity). After applying the same multipliers as above, this gives a figure of PLN 137,054 in direct costs and PLN 734,200 in long-term costs, for a total of **PLN 871,254.** We are mainly talking about

\* Deaths as a result of abuse, either at the time of the incident or in its immediate aftermath, were not included in the analyses, as this requires a different methodological approach and access to more data on victims of this type of abuse.

situations of multiple sexual assaults, which often involve violence and physical contact.

To illustrate the situation, we are referring, depending on the trajectory, to amounts ranging from 140,000, half a million and almost 900,000. Moreover, the estimates do not take into account an

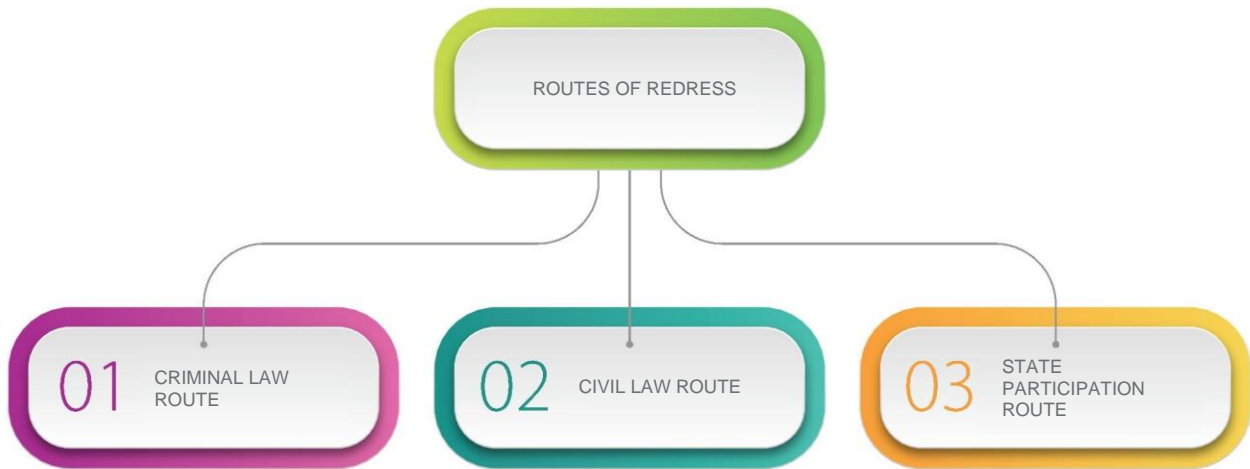
extreme situation, i.e. the costs of the victim's early death and all highly individualised changes in the psyches of the individual and his or her family. While these are partly reflected in the costs of lower labour market activity or therapy expenses, they are not a full account of the potential harms and their compensation.

## PART II

### POSSIBILITIES OF REDRESSING DAMAGE AND RECEIVING COMPENSATION FOR HARM SUFFERED AS A RESULT OF A CRIMINAL OFFENCE UNDER POLISH LAW

The Report discusses three possible legal routes for the victim of a crime (criminal act) to seek redress of damage and compensation for harm suffered, as well as measures of a compensatory nature in each of these routes.

Chart 1. Routes of redress



Compensation measures in each of the above-mentioned branches of law have different terminology, in fact they are claims corresponding to each other in scope, and their common purpose is to redress the

damage caused and to compensate for the harm suffered by the victim as a result of the crime (criminal act).



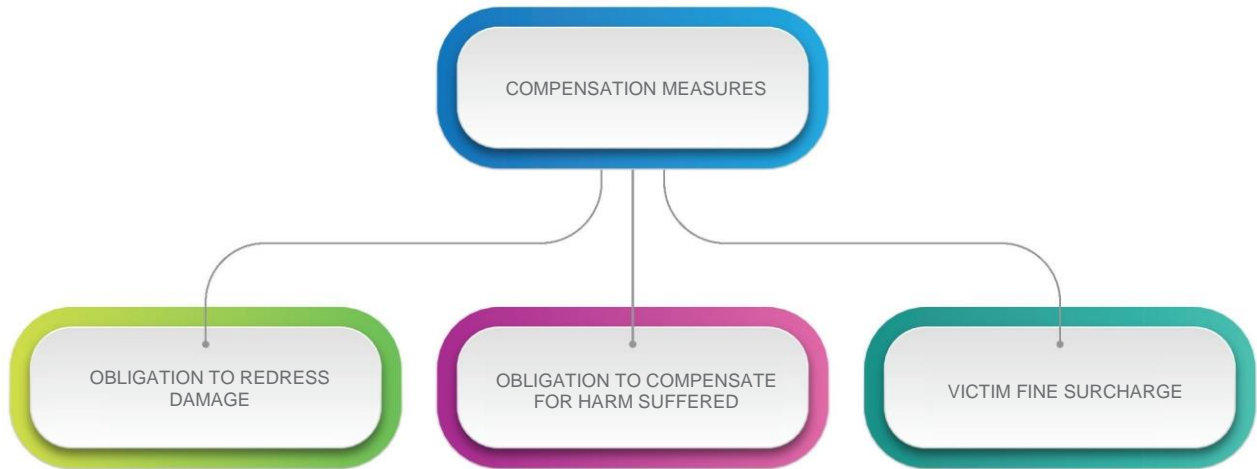
## Criminal law route

Criminal law should comprehensively aim to satisfy the victim's claims arising from a crime committed against him or her. The criminal proceedings settle the liability of the perpetrator as well as measures of a compensatory nature, as closely related to the crime. Redress of damage caused or compensation for harm suffered is an essential element of an act of justice.

In the criminal law route, the compensatory function is performed by compensation measures and corrective measures.

**Compensation measures** are ordered by the court in the event of a conviction, pursuant to Article 46 of the Penal Code.

Chart 2. Division of compensation measures



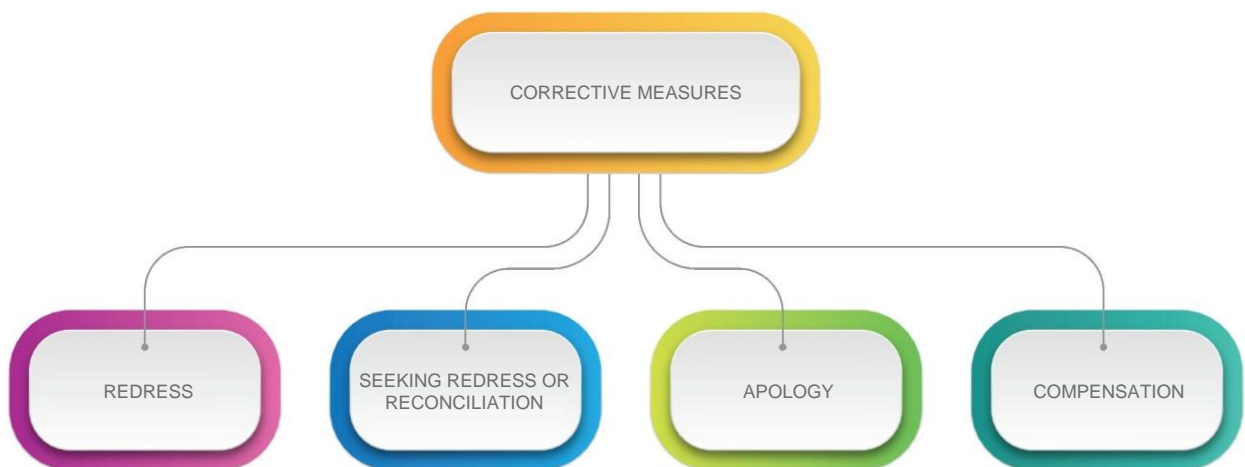
The purpose of the legislator's introduction of compensation measures was to facilitate the victim's ability to fully satisfy civil law claims (damages, compensation) arising from the crime committed even in criminal proceedings. An alternative to obtaining compensation by this route is the possibility for the criminal court to award a victim fine surcharge or, in the event of the victim's death, a surcharge to the victim's next of kin. The legislator has reckoned with the difficulties that may arise in proving the amount of damage or assessing the harm.

The Report identifies the steps to be taken by the victim in order to benefit from this possibility to redress the damage caused by the crime (the option to use a

professional proxy ex officio; issues of enforcement of imposed compensation measures).

**Corrective measures (obligations)** are closely related to probation measures, based on a positive prognosis concerning the offender and related to putting the offender on probation (with conditional discontinuance of proceedings, conditional suspension of sentence, conditional early release of the offender). Corrective measures are identical in scope and sometimes in name to the mentioned compensation measures. If the offender fails to comply with them, they result in a criminal law reaction (taking proceedings, ordering the execution of the sentence, revoking conditional release).

Chart 3. Corrective measures



Among the obligations imposed on the perpetrator under the corrective measures, the most important should be the redress of the damage and moral harm caused and the apology to the victim, which is related to making the perpetrator realise that he or she has caused damage and harm to someone and that this damage and harm need to be repaired.

If the victim chooses the criminal law route, the civil law route remains a secondary one. It should be emphasised that the findings of a final criminal conviction in criminal proceedings are binding on the court in a civil trial. This undoubtedly makes it easier for the victim to pursue the remaining part of the claims not satisfied in the criminal procedure.



## CIVIL LAW ROUTE

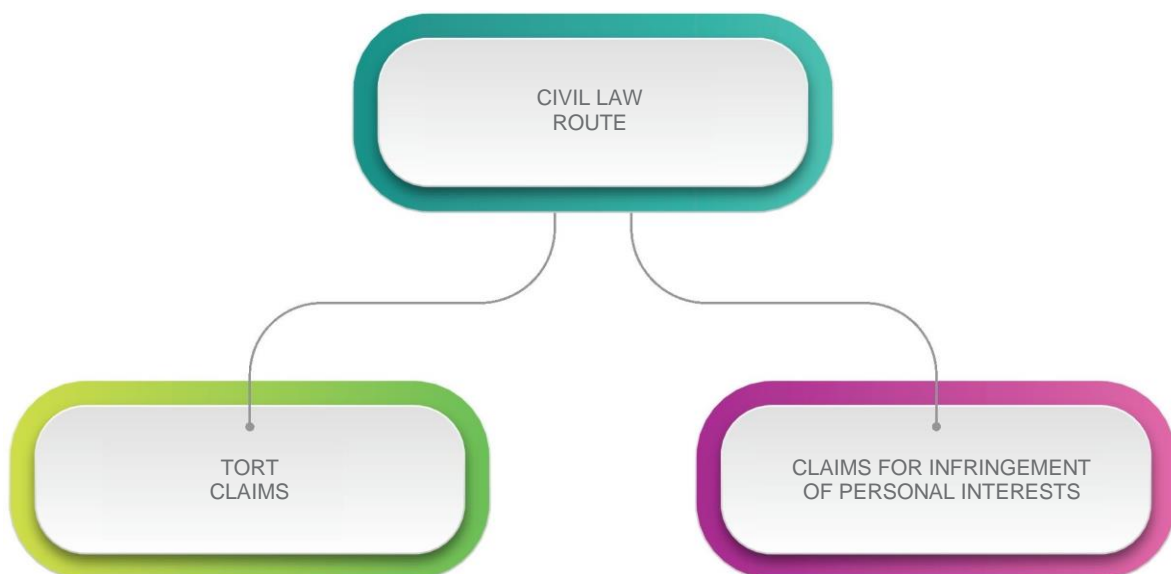
Claims pursued through the civil law route may relate to the part of the damage or harm that has not been satisfied by the criminal court's decision, or to the situation where compensation measures have not been ordered in the criminal proceedings and the damage has not been remedied by the offender.

The law uses the terms “aggrieved party”, “plaintiff” and “applicant” when referring to a victim who brings a civil action.

According to the general rule of civil law, the plaintiff bears the burden of proving the validity of the claims sought, so it is important to prepare carefully for the process – to collect and catalogue evidence – before filing a lawsuit.

Civil law provides for the liability of the offender on two grounds:

**Chart 3.** Claims under the civil law route





**On the basis of the provisions on tort liability** (for a criminal act), the victim may claim:

- **damages** (Article 444 § 1 of the Civil Code),
- **compensation** (Article 445 of the Civil Code),
- **pension** (Article 444 § 2 and 3 of the Civil Code).

**Based on the provisions on liability for infringement of personal interests**, the injured party may claim:

- **removal of the consequences of the infringement of personal interests** (Article 24 § 1 of the Civil Code) - the law does not specify what this should consist of. Therefore, the form of removal depends on the specific circumstances of the case and the wishes of the plaintiff. The most common form of removal is an apology to the plaintiff;

- **monetary compensation** (Article 24 § 1 of the Civil Code);
- **payment by the offender of a sum of money to a social objective indicated by the plaintiff** (Article 24 § 1 of the Civil Code);
- **compensation for damage to property** – only if the infringement of personal interests resulted in property damage (Article 24 § 2 of the Civil Code).

The report addresses the issue of statute of limitations for pursuing claims, as well as guides the aggrieved party through the various steps necessary for pursuing claims in the civil procedure, specifying the amount of costs the aggrieved party may incur.:



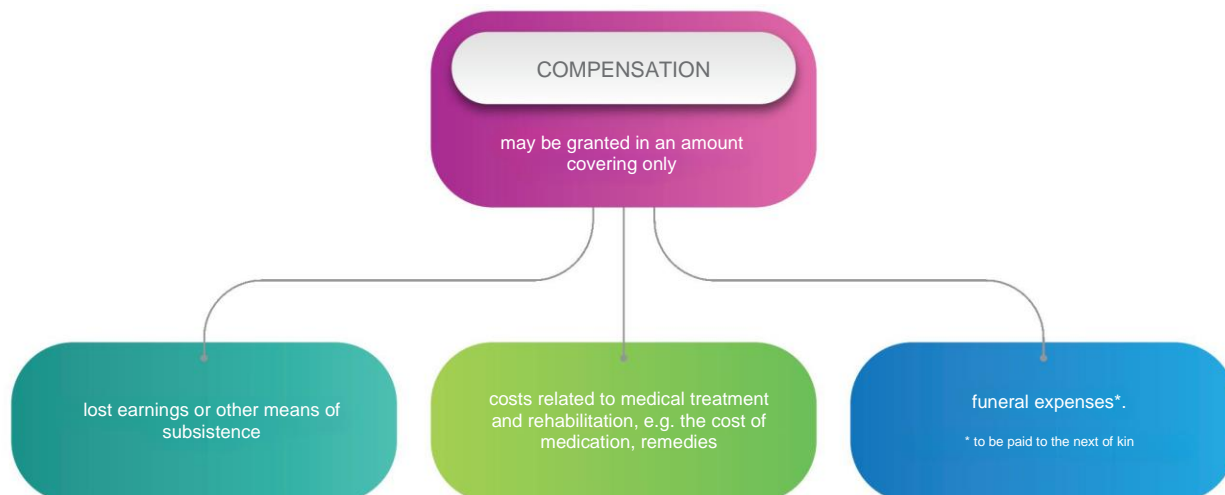
## State Participation Route

State compensation was introduced into the legal order by the Act of 7 July 2005 on State compensation to victims of certain criminal acts. It is a little-known institution in Poland and therefore not often used by victims of criminal acts, including the crime of sexual abuse.

State compensation is a financial benefit to which the recipient is entitled in a situation where he or she cannot

obtain compensation for the harm caused by a criminal act in any other way (directly from the perpetrator, from insurance or from social assistance funds). The inability to obtain compensation directly from the perpetrator occurs when the perpetrator is dead, insolvent or not detected at all.

State compensation can only be obtained for a strictly defined purpose.

**Chart 4.** Catalogue of costs subject to state compensation


State compensation shall be granted if the offence was committed in the territory of the Republic of Poland to the detriment of a person residing in that territory or in the territory of another Member State of the European Union. It applies to any act resulting in the death of the injured person, causing grievous bodily harm, impairment of bodily organ functions or health disorder lasting longer than seven days.

State compensation may be awarded irrespective of whether the perpetrator of the criminal act has been identified and whether criminal proceedings are pending or have been concluded with a final judgement. It may not exceed PLN 25,000, or PLN 60,000 if the victim has died. State compensation is awarded at the request of the entitled person or the public prosecutor – submitted on an appropriate form to the court within three years

from the date on which the consequences of the criminal act became apparent, but no later than within five years from the date of its act.

During the court proceedings for the award of state compensation and prior to its conclusion, the court may – at the request of the victim – issue a protective order, consisting of a decision to pay either a lump sum of money (an advance on the award of state compensation) on a one-off or periodic basis to cover necessary medical, rehabilitation or funeral expenses.

The procedure for state compensation includes the public prosecutor, who is the informing authority for the victim, is a quasi-advocate for the victim, represents the State Treasury in the proceedings, and has a claim (recourse) against the perpetrator of the crime.



## Summary

The Polish legal provisions on the option of compensation for damage and harm suffered as a result of a crime, including a crime against sexual freedom and decency of a minor under the age of 15, have been designed so that **the victim, in the course of the first court proceedings conducted in relation to the committed crime (criminal proceedings), can obtain both satisfaction from the conviction of the perpetrator and compensation for damage and harm** suffered as a result of the crime, including a crime against sexual freedom and decency.

In criminal proceedings, procedural actions are, as a rule, conducted *ex officio*; an application for compensation measures may be submitted on behalf of the victim by the public prosecutor. The public prosecutor may also submit requests for evidence to prove the legitimacy and amount of the victim's claims.

**The pursuit of claims for compensation for damage and harm resulting from a criminal offence through the civil law route is complementary.** In view of the lack of *ex officio* action by the court and the necessity for the victim to prove the legitimacy of the claims and to bear the costs of the proceedings, **it is reasonable for the victim to pursue civil proceedings only after the criminal case has been finally concluded**, in a situation where the court has not ruled on the obligation to remedy the damage, pay compensation or victim fine surcharge, or has ruled in an amount lower than requested.

**State compensation is an additional option to provide quick assistance and financial support to the victim**, in particular in situations of child sexual abuse. The report will undoubtedly contribute to the dissemination of information and broadening of public awareness of this legal institution.

The legislator has introduced many instruments and institutions into criminal law (substantive and procedural), which the victim may use. However, the State Commission believes that these need to be supplemented. It should be made **obligatory for the court in criminal cases to rule on compensation measures under Article 46 § 1 of the Penal Code ex officio without the need for the victim to submit an appropriate application**, in particular in offences under Ch. 25 of the Penal Code committed to the detriment of a minor victim. It seems necessary to **equalise the obligations imposed on the offender under probationary measures related to probation of conditional discontinuance of criminal proceedings and conditional suspension of the execution of the sentence of imprisonment**, as their compensatory function is compatible.

With regard to state compensation, hard (legislative) and soft measures should be launched – involving **the dissemination of knowledge about the possibility of redressing the damage caused by a sexual offence through a State participation route**. As the statistics show, this institution is virtually dead, yet it can serve the victims with financial support provided immediately after being harmed by a crime, including child sexual abuse. Legislative action must **consider introducing the possibility of launching a procedure for claiming state compensation ex officio**. It is also necessary to resolve doubts that arise in the situation of concurrence of claims for redress of damage (as a compensation measure under Article 46 § 1 of the Penal Code and a probationary measure under Article 72 § 2 of the Penal Code) and granting state compensation and its payment to the victim.

# PART III

## ASSISTANCE TO PERSONS EXPERIENCING SEXUAL ABUSE IN POLAND – RECOGNITION OF THE PHENOMENON

Redress of damage resulting from harm caused by an act against sexual freedom and decency may be done by payment of compensation measures (in particular compensation or damages) according to the principles indicated in part 2 of the Report. A minor victim of such an act may also receive ad hoc assistance from the resources of the Victims and Post-release Assistance Fund – the Justice Fund, whose administrator is the Minister of Justice. The Fund provides assistance through the centres that carry out its tasks – **district assistance centres for victims and local assistance stations for victims of crime (305 locations providing assistance to victims)**. The legislation governing the Fund provides for various forms of psychological, legal and material assistance. Assistance is provided at the request of the victim, at the request of the criminal proceedings authority and on the initiative of the entity that is appointed to provide assistance.

The State Commission, as part of its statutory prevention and research activities, has attempted to estimate the amount of financial resources allocated to assisting child victims of sexual abuse\*. To this end, it requested information from the Minister of Justice on the allocation of financial resources between 2018 and 2021 to assist sexually abused children and their families, with particular reference to the nature of the assistance, the length of the services provided (single

counselling vs. regular counselling; individual therapy vs. group therapy) and the amount of financial resources allocated to each of these services. In response, the Minister of Justice informed that no such statistical data are collected to indicate the scale of the assistance provided to sexually abused children. **Instead, general data were sent which do not allow for a proper understanding of the scale of assistance provided to sexually abused children.**

\* The State Commission made many attempts (including a letter to the Minister of Justice, letters to the assistance centres of the Justice Fund, an analysis of the report of the Supreme Audit Office, a review of the available literature) to obtain information on the amount of money that has been allocated to help child victims of sexual abuse. The State Commission encountered discrepant data already at the stage of determining the scale of the funds. It was also not possible to determine what percentage of the hundreds of millions of zloty is allocated to assisting sexually abused children.

Chart 5. Selected forms of support to victims and their relatives under the Justice Fund



In 2023, the State Commission again requested detailed information from the Minister of Justice on the scale of assistance from the Justice Fund to children victimised by sexual offences. In his reply of 13 December 2023, the Minister of Justice indicates that detailed databases were not kept in 2019-2021 to assess the scale. Data on sexual violence against persons up to the age of 18 was sent. In 2022, 25 hours of legal aid and 304 hours of psychological counseling were provided from the Justice Fund, only 60 raped persons under the age of 18 were assisted. For other sexual offences, people under the age of 18 received only 52.5 hours of legal aid and only 1132 hours of psychological counseling nationwide. In 2023, there were no significant differences from the

previous year. The State Commission still does not know how much assistance goes to sexually abused children under the age of 15 from the Justice Fund. **The scale of real assistance directed to those under 18 years of age harmed by a sexual offence is very low in relation to the needs and consequences faced by sexually abused children and their families, and the capacity that the Justice Fund has.** Enquiries were therefore sent to the Assistance Centres of the Justice Fund. They, too, did not provide a response allowing an assessment of the scale of financial assistance to child victims. In the opinion of the State Commission, such data should be recorded on an ongoing basis. Only then will it be possible to reliably assess the effectiveness of the

Justice Fund and the scale of assistance provided to sexually abused children.

An analysis of the inflow of financial resources to the Justice Fund for the period 2018-2021 shows that the potential for possible assistance is enormous. In the opinion of the State Commission, the Fund, established to help primarily victims, convicted persons and their families, should be transparent and aimed at helping precisely these people. Detailed data on the amounts received by the Fund are presented in the Report.

The topic of assistance provided to persons with experience of sexual abuse has not lived to see many studies. The State Commission, wishing to examine this issue, requested the following information from the centres implementing the tasks of the Justice Fund in 2022:

- how many childhood victims (up to the age of 15) of a sexual abuse offence have approached the centre for assistance;
- what type of crime from chap. 25 of the Act of 6 June 1997 – Penal Code, the persons indicated in point 1 have been subjected to;
- what type of assistance was provided to the victims, and in the case of assistance provided in the form of therapy, also what was the number of sessions held and the duration of assistance provided;
- an indication of the areas of difficulty encountered by the centre's staff;
- an indication of the important needs of the centre, the satisfaction of which will enable the optimal functioning of the centre and the provision of sufficient assistance to children in need and their relatives.

Based on the information obtained, it is difficult to assess how many children under the age of 15 who have been victims of a crime (in particular the crime of sexual exploitation) have been assisted, as the centres implementing the Fund's tasks do not keep statistics, although it should be the rule and practice to do so. Statistical data should be collected especially in cases involving sexually abused children. An analysis of the situation with regard to the Assistance Centres shows

that the contact database on the Justice Fund website lacks precise information on the hours of operation of a given centre. This is particularly important for people who would like to benefit from assistance.

Funds from the Justice Fund should above all support people who have been the victims of crime, so it is necessary to undertake legislative work on amending the provisions governing the Victims and Post-release Assistance Fund – Justice Fund in order to create broader possibilities of using the Fund's financial resources to help people who have been the victims of crime, in particular to provide comprehensive help to children who have been harmed by sexual abuse, and to make that help immediate, real and effective. At present, from the part of the Fund dedicated to the exclusive needs of assisting and supporting victims, funds can also be allocated for other tasks, as well as spent for other purposes, such as for the benefit of country housewives' clubs, sports circles or volunteer fire brigades. The discretion in the disposal of the Fund's resources by the Minister of Justice – the disposer of the Fund – may entail arbitrary decisions and the risk of inadequate care for the victims and their relatives without the possibility of appealing against the decision.

**It is necessary to go back to the real purpose of creating the Fund, which was primarily to help the victims, witnesses and convicted persons, the latter in their social inclusion,** as well as to make entities that are not units of the public sector – associations, foundations, organisations and institutions – equal to units of the public finance sector in terms of using the Fund. It is also necessary to **abolish the discretion of the Fund's administrator by introducing transparency in the Fund's operations.**

**The Fund should take over the function of an entity substituting the material responsibility of the perpetrator** for the harm done to the victim and enable immediate financial assistance in accessing a psychologist, psychiatrist, sexologist or other specialist, as well as therapy appropriate to the needs of the victim, particularly if the victim has been subjected to child sexual abuse.

# PART IV

## SITUATION OF A PERSON WITH EXPERIENCE OF CSA IN THE PROCESS OF OBTAINING COMPENSATION MEASURES – OWN RESEARCH



### Rationale for the study, methods adopted and research areas

One of the important issues related to this phenomenon is the damages awarded to persons who have experienced childhood sexual abuse. In its First Report (<https://pkdp.gov.pl/raport-panstwowej-komisji/>), the State Commission published the results of a quantitative study in which 345 cases were analysed from 245 criminal cases finalised between 2017 and 2020. In 83% of the cases, the court did not rule on any compensation measure. Compensation was awarded only in the case of 20 children, which represents approximately 8% of all cases examined. The State Commission decided to

comprehensively (first in criminal cases, now in civil cases) examine the process of obtaining compensation for the harm suffered as a result of childhood sexual abuse\*. In order to study the phenomenon of paying damages and compensation, research areas were formulated and a request was sent to all district and regional courts in Poland for case files from civil proceedings for compensation and damages in relation to sexual abuse of minors, initiated and finalised between 2015 and 2020. In response, only 16 case files were received.

\* Monetary resources obtained can play a key role in accessing prompt psychiatric, psychotherapeutic and sometimes internal medicine care. We know from the literature that the more resources there are, the better the chances of recovery. Compensatory resources can be such a tool.



## 1.1. Research areas

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The research areas related to:

- characteristics of child sexual abuse (CSA),
- the effects of CSA,
- characteristics of the victim's family or care system,
- characteristics of the defendant,
- selected aspects of civil proceedings,
- identification of barriers faced by the victim before and during civil proceedings.

## 1.2. Methods

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Describing the situation of aggrieved persons applying for compensation for the harm experienced requires a comprehensive and in-depth approach in the research process, and this can be achieved by using **qualitative and quantitative methods**. By combining these two approaches, we were able to identify the characteristics of the phenomenon under study and categorise them.

**Quantitative research** focuses on a numerical description of reality and pays attention to the frequency of occurrence of certain data. This made it possible to present the basic characteristics of the civil cases categorised in the sample. The data obtained were analysed through indicators such as percentages and averages (the research team prepared a questionnaire

through which the data were structured, which were then processed using descriptive statistics).

**Qualitative research** focuses on an in-depth description of reality and draws attention to the diversity of the phenomenon in question. This made it possible to analyse the material on many levels, to look at individual behaviour, motives, emotions, barriers, which in turn allowed for a deeper understanding of the victim's situation. Due to the number of cases included in the study, the *content analysis* method was used. This method involves examining textual messages (in this case the textual content of civil case files) in order to understand hidden patterns, meanings and context.

## 1.3. Research material

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The members of the team requested case files from district and regional courts, cases initiated and finalised between 1 January 2015 and 31 December 2020, relating to the payment of compensation or damages to victims of offences under Article 197 § 3(2), Article 199 § 2, Article 199 § 3, Article 200, Article 200a, Article 200b, Article 202 § 3, Article 202 § 4, Article 202 § 4a, Article 202 § 4b, Article 202 § 4c and Article 204 § 3 of the Penal Code. In response to the letter, the State Commission was informed that the courts mostly did not have cases meeting the inclusion criteria in their registers. In addition, the presidents of the courts, in response to the State Commission's request, carried out a questioning in their units – to be sure of the formulated answers. Sixteen cases were initially analysed, and based on the

conclusions obtained, eight of the most representative cases from the civil divisions of the courts (five district and three regional courts), in which judgements became final in the period 2015-2021, were extracted. In seven of the cases, compensation was awarded in full by court judgement. In one of the cases, in which the injured person had received funds from the perpetrator prior to the commencement of civil proceedings, compensation was awarded in part. In all cases, the defendants appealed against the judgements of the courts of first instance. In three cases, the appeal was rejected for failure to pay a fee. In only one case did the plaintiff file an appeal against the first-instance court judgement. A criminal conviction was issued in each of the cases before the civil proceedings.



## Description of the results of the quantitative analysis (selected elements)

The description of the results of the study included four criteria: the nature of the act, the profile of the defendant, the profile of the victim, and the outcome of the civil proceedings.

### **Nature of the act**

In seven cases, the perpetrator committed sexual acts against a minor more than once. In six cases, the perpetrator's behaviour involving sexual acts against a minor on several occasions was qualified as a continuous act. In four cases, the act against sexual freedom of a minor fulfilled the features of two or more provisions of the Penal Act (Article 11 § 1 and 2 of the Penal Code). The average duration of the perpetrator's action was about one and a half years (the shortest three days and the longest about five years). In two cases, sexual exploitation was of a substitute nature, while in one case it was of a preferential nature. In five cases, no data were given.

### **Legal qualification of the act**

A criminal sentence was issued in each of the cases (n = 8) before the civil proceedings. Acts against sexual freedom of a minor were qualified under the following articles of the Penal Code: article 197 § 1 (according to the classification in the case file), article 199 § 2, article 200 § 1, article 202 § 2 (now repealed), article 202 § 4.

### **Characteristics of the victim (selected elements)**

In seven cases the victims were girls and in one case it was a boy. At the time of the sexual abuse, the youngest of the children was four years old and the oldest was fourteen years old.

In only one of the cases did the victim not know the perpetrator, in two of the cases the perpetrator was the biological father of the victim, in one the foster parent and in the remaining four cases the perpetrator was a person well known to the child.

### **Characteristics of the defendant (selected elements)**

Although no cases identified a previous criminal record for offences under Ch. 25 of the Penal Code, in two cases the defendants were convicted by the same conviction under Ch. 25 of the Penal Code for offences against the sexual freedom and decency of another minor committed during the same period or earlier than the offence committed against the victim (now the plaintiff). In one case, the defendant had previously been convicted under the Penal Code for other offences, and in three cases the defendants had no criminal record at all. In two of the cases, there was no information on the subject. The analysis showed that in five of the cases the defendants had fixed incomes.

### **Outcome of the proceedings**

In one case there was an attempt to compensate the harm outside the proceedings (civil and criminal). In the remaining cases, compensation was awarded in full by court judgement. Additionally, in two cases, the minor victims had already received partial compensation for the harm awarded in criminal proceedings (PLN 10,000 each). In two civil proceedings, the amount of compensation awarded did not exceed PLN 50,000. In four cases, the amount was between PLN 50,000 and 100,000, while in two cases it exceeded PLN 100,000, not including the interest awarded at the same time.



## Presentation of results of the qualitative analysis

The results obtained confirm that the phenomenon of child sexual abuse is multidimensional and complex, and therefore quantitative research, which is necessary to assess the scale of the phenomenon, is not sufficient. They should be complemented by the results of qualitative research, which show an in-depth and detailed picture. At this point, it is worth highlighting the most important findings.

- The analysis of the research sample shows that in the majority of cases the child was abused several times by the same perpetrator (the shortest time the perpetrator acted to the detriment of the child was three days, the longest was five years).
- In the majority of cases, the act was found to be substitutionary in nature and the perpetrator did not display a sexual preference disorder of a paedophilic nature.
- The analysis of the case files shows that the children were active before the act and had their own interests and hobbies (one child was diagnosed with an intellectual disability).
- The analysis of the results shows that, in most cases, the defendants portrayed themselves in a positive light, at the same time emphasising the extent of their own harm related to their involvement in civil proceedings. This type of rationalisation and blame-shifting is a typical defence mechanism of sex offenders (the perpetrators demonstrated mental disorders resulting from personality disorders, CNS damage or alcohol dependence. It is important to note that mental health problems did not in any of the cases make the offender incapable of recognising the meaning of his act or directing his behaviour. The child's sexual exploitation occurred through persuasion, attempts to bribe, intimidation and in one case kidnapping).
- In order to avoid responsibility, the perpetrators intimidated the child, covered up traces, ensured that there were no witnesses to the crime, planned their actions so that there were no obvious signs of their actions (e.g. sexually transmitted diseases or pregnancy) by using condoms or monitoring the girls' ovulation cycle (the defendants, not wanting to pay damages, indicated, for example, that the family of the sexually abused child was responsible for what had happened).
- The findings indicate that all children in the cases analysed **experienced sexual abuse as a significant violation of their body boundaries and intimacy**.
- The children were most often sexually abused multiple times in isolated places (forest, upstairs room, basement) for months or even years (only in one case did the act last three days).
- Most of the children knew the perpetrator. There was one exception in which the perpetrator kidnapped a child (in the cases analysed, some of the children had a relationship of dependence with the perpetrator, as it was either a biological parent, a foster parent, a relative or a teacher or educator. Exploiting a position of authority and betraying a child's trust can play a key role in building future family and professional relationships).
- The acts included various sexual activities, including oral and vaginal intercourse. The defendant touched the child's intimate areas, urged the child to touch his genitals and even exposed himself to the child. The use of new technologies in CSA is noteworthy. The defendant prompted the child to send "nude photos" and filmed himself and the child during sexual activities.
- In order to cope with what had happened, the children initially tried to "dissociate" from the pain, which is one of the human defence mechanisms that is activated in very difficult situations. Some of the girls faced inadequate feelings of guilt, shame and humiliation, some of them reacted with self-aggression (biting their nails, self-harm, "S" attempts). In some cases

aggressive behaviour was observed, which may be the result of a transference mechanism (Attention! The strength of the child's entanglement may be so great that the child may react with anger when the family reports the sexual abuse to law enforcement. This is an additional factor that significantly exacerbates the consequences of CSA in adulthood. Such individuals may find it difficult to distinguish between abusive and supportive behaviour, a skill that is often crucial in choosing a life partner).

- From the analysis of case files, it is known that children faced negative reactions from those around them and experienced harassment on social media. Sometimes they felt watched, read abusive comments about themselves (as a result, the children

went out of the house less often and spent more time alone in their rooms).

- Finally, the State Commission looked at the barriers faced by a CSA victim. The barriers mentioned included the following:
  - inadequate responsibility, shame, guilt and anxiety experienced by children;
  - lack of knowledge about the possibilities of obtaining compensation;
  - language used by the parties to the proceedings or used to describe the victim's situation in documents attached to the case file, often exposing the victim's characteristics in such a way that they can be interpreted as favouring exploitation or even indicating co-responsibility.

# PART V

## Guidance for people with CSA experience and their immediate environment

Based on the analysis of the cases, the available literature on the subject and the opinions of experts, the State Commission has created a list of guidance and recommendations for interested groups in order to increase the protection of children from CSA – for persons with experience of sexual abuse, professionals who may come into contact with persons who have experienced sexual abuse, caregivers of children with experience of sexual abuse, the environment of persons with experience of sexual abuse, the public and policy makers.



## Guidance for adults with experience of CSA

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When you suspect that you have experienced sexual abuse, you can get support from a specialist or institutions that offer help to abused people (an up-to-date list of such centres can be found at <https://www.funduszsprawiedliwosci.gov.pl/pl/znajdz-osrodek-pomocy/>). Don't be afraid, don't be ashamed, ask for help even if those around you want to keep it a secret. It's not your fault!

You can report a crime even if many years have passed since the abuse and you are now an adult.

You can seek compensation in civil proceedings even if you didn't receive a final judgement in criminal proceedings.

You can apply for compensation in civil proceedings even if you received a victim fine surcharge in criminal proceedings.

Even an acquittal of the offender does not foreclose you from pursuing a claim in civil proceedings, as the civil court is only bound by a final judgement of conviction and only to the extent of its findings as to the offence. A verdict of acquittal or conditional discontinuance of proceedings is not of this nature.

Do not contact the offender outside the courtroom or sign any documents relating to your legal situation without consulting a professional attorney.

You can obtain legal advice free of charge or for a small fee. You can find information about the points of free legal aid at the district starosty, county office or town hall, and on the website <https://www.gov.pl/web/gov/skorzystaj-z-darmowej-pomocy-prawnej>

Apply for compensation immediately with statutory interest for delayed payment, otherwise you will have to file a second lawsuit to obtain interest.

If you are in financial hardship, you can apply for exemption from court costs in whole or in part. You would then need to fill in an application for exemption from court costs (sample applications can be found on the courts' websites).

Even if the perpetrator of the abuse has been tried before the family court as part of the juvenile proceedings, you can apply for compensation before the civil court.

The court in civil proceedings cannot award you a higher amount of compensation than the amount you have requested.



## Guidance for carers and those in the immediate environment of a child with CSA experience who are not perpetrators of abuse

To help your child effectively, you yourself have to be in good mental health. Don't be afraid to seek professional help in order to better help your child.

Listen to your child and reassure them that you are ready to be with them, e.g. with the words "I believe you", "I'm with you", "you can count on me", "it's not your fault".

Make sure that your child does not hear words that may hurt them, make them feel guilty or ashamed, e.g., "victim", "why didn't you tell me straight away?", "why did you go there?", "don't exaggerate".

Pay close attention to changes in the child's behaviour, e.g. irritability, lowered mood, avoidance of contact, aggressive behaviour (including self-harm) may mean that sexual abuse has occurred. Ensure you have a safe space to talk about this change. If you have doubts, don't be afraid to seek support from a specialist, e.g. a public psychological and pedagogical counselling centre (for a list of support places, see the website of the board of education in your province).

You have a legal obligation to report suspected child sexual abuse to the police or the public prosecutor's office. You can also do this orally (for the record) at the premises of the State Commission, in writing and by e-mail.

Talk to your child about personal boundaries and their protection, which will help reduce the risk of sexual abuse. You can use the materials available at <https://edukacja.fdds.pl/> and <https://www.ore.edu.pl/2023/02/publikacje-i-materialy-edukacyjne/>

If your child is a minor and has no assets or income, you can apply to have all or part of the court costs waived. You should then fill in an application for exemption from court costs (sample applications can be found on the courts' websites).

As the child's guardian, you can apply for compensation or damages in civil proceedings even if there has not been a final judgement in criminal proceedings.

You can file a claim for compensation or damages in civil proceedings even if your child has received a victim fine surcharge in criminal proceedings.

Even a judgement acquitting the perpetrator does not close the way for you to pursue a claim in civil proceedings.

Monetary compensation will help to provide your child with specialist help from a psychologist, psychiatrist and to restore his or her sense of justice.

Consult with a professional attorney who will help you to take into account all the circumstances relevant to your case in proposing the amount of compensation.

Without a professional attorney present, do not contact the offender outside the courtroom or sign any documents related to your legal situation. Remember that you can obtain legal advice free of charge or for a small fee. You can find information about the points of free legal aid at the district starosty, county office or town hall, and on the website <https://www.gov.pl/web/nieodplatna-pomoc/npp>

Apply for compensation with statutory interest for delayed payment, otherwise you will have to file a second lawsuit to obtain interest.

Talk to your child in an age-appropriate way about their role, rights, responsibilities and the court process. You can use the resources available at <https://edukacja.fdds.pl/> and <https://www.ore.edu.pl/2023/02/publikacje-i-materialy-edukacyjne/>

# PART VI

Recommendations for state authorities, entities and institutions related to the care, treatment, upbringing and education of children and adolescents

## 1



**Common recommendations for employees in healthcare (e.g. doctors, nurses), education, culture and upbringing (teachers, psychologists, other employees of educational institutions), sport, justice, media and representatives of churches/religious associations**

When talking to children and in documents, e.g. medical or school documents, it is important to remember not to use words that may hurt a person with an experience of abuse or induce feelings of guilt or shame, e.g. “victim”, “submissive”.

Respond when you hear or see any language that stigmatises a person with experience of sexual abuse.

Be aware of the legal obligation to report suspected child sexual abuse to the police or prosecutor's office. This can also be done orally (for the record) at the premises of the State Commission, in writing or by email.



Remember to inform your supervisor of the suspected offence as part of the internal procedures.

Be sure to talk to children about personal boundaries and their protection, which will help reduce the risk of sexual exploitation\*.

Remember the obligation to comply with the standards for the protection of minors who attend health, educational, recreational, sporting or other facilities related to the development of interests.

Remember that a member of staff, e.g. from healthcare, justice or social welfare, should prepare specific, formal documentation using communicative, precise and understandable language describing the situation of a person with experience of sexual abuse. It should be remembered that the information obtained about the

family or personal situation should also come from the children.

Avoid descriptions that make it easy to identify people with experience of sexual abuse in press releases or other more widely available material and, where possible, publish details of where support is available (including by telephone/online).

Be sure to use terminology that is consistent and relevant to current knowledge of child protection from abuse when describing situations involving child sexual abuse.

Be sure to present content designed to raise public awareness of the phenomenon of sexual abuse, the obligation to report suspected child sexual abuse, and places to help those with experience of abuse.

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\* The teacher can do this during the form tutor period as part of the school's prevention programme. The State Commission recommends using elements of child sexual abuse prevention as part of school prevention programmes. You can use the materials available at <https://edukacja.fdds.pl/>, <https://www.ore.edu.pl/2023/02/publikacje-i-materialy-edukacyjne/>.



## Recommendations for decision-makers, including ministers in charge of individual ministries, university rectors, representatives of professional self-governments, directors of Social Welfare Centres, heads of churches/religious associations

New databases should be created to accurately determine the costs associated with the occurrence of child sexual abuse in society.

There should be awareness-raising campaigns on the obligation to report suspected child sexual abuse, on places of assistance for those with experience of abuse and on obtaining redress and compensation.

There should be increased accessibility to professional help points (e.g. legal, psychological) offering assistance to people with experience of sexual abuse.

Consideration should be given to amending the provisions of the Penal Code to introduce the possibility for the court to award compensation for the harm suffered with the conditional suspension of the sentence.

Consideration should be given to amending the provisions of the Penal Code to require the court to rule ex officio on compensation measures in every case of damage or harm, without making this dependent on a request from the victim (or other authorised entity).

Consideration should be given to amending the provisions of the Act of 7 July 2005 on State Compensation to Victims of Certain Prohibited Acts

(Journal of Laws 2005 No. 169, item 1415) by introducing the possibility of initiating the procedure for claiming state compensation ex officio (in the case of sexual abuse of children under the age of 15).

There should be an information campaign on the state compensation to which victims of certain criminal acts are entitled.

Ensure that those who play a significant role in the investigation and prosecution of child sexual abuse cases (in particular expert witnesses) are adequately remunerated.

Ensure that, in accordance with current legislation, adequate conditions are provided for the interrogation of minor victims and adults who have suffered sexual violence in childhood.

It should be remembered that the educational standards preparing for professions such as: doctor, dentist, nurse, midwife, teacher, kindergarten and early childhood education teacher, special education teacher, speech therapist and early childhood development support teacher, should take into account issues concerning the phenomenon of sexual abuse.

It should be remembered that the directors of educational institutions should enable the organisation of training for parents on the prevention of sexual abuse, e.g. as part of parent and guardian meetings or school open days.

A space should be created for psychological support for staff in contact with child victims and cases (Balint groups, supervisions, interventions, etc.).



**STATE COMMISSION**  
for the prevention of sexual  
exploitation of minors under the  
age of 15

**STATE COMMISSION**  
18 Twarda Street, 00-105 Warsaw  
tel. 22 699 60 52  
fax 22 699 60 48

**[www.pkdp.gov.pl](http://www.pkdp.gov.pl)**  
**[zgloszenie@pkdp.gov.pl](mailto:zgloszenie@pkdp.gov.pl)** (for reporting)  
**[komisja@pkdp.gov.pl](mailto:komisja@pkdp.gov.pl)**  
**[media@pkdp.gov.pl](mailto:media@pkdp.gov.pl)** (for the media)